



## NEW HAMPSHIRE BOARD OF PHARMACY

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### PUBLIC MEETING MINUTES - February 19, 2020

Meeting convened at 9:06 a.m. with the following Commissioners present:

Commissioner Pervanas, Commissioner Genovese, Commissioner Rochefort, Commissioner Bouchard,  
Commissioner Laliberte, Commissioner Peicker

Absent: Commissioner Harrington

Roll Call verifies a quorum.

#### Agenda Review:

Move Off: Meeting Minutes for January 15, 2020 taken off the Consent Agenda and moved to item 1B

Add on: Item G in the Non-Public will be moved to the Public Agenda to Item 15

#### Commissioner Committee Reports:

**Pervanas** – No updates this month

**Genovese** – LAPT, on the agenda today to review the Scope of Practice and possibly approve.

**Rochefort** – USP 795 & 797 – Meeting March 10, 2020 here at the Board's office to review rules regarding Non-sterile compounding. Everyone is welcome to attend. Contact Commissioner Rochefort with any questions.

**Bouchard** – LSR's – March 5<sup>th</sup> all Bills need to be out of the house. SB568 Clean-up Bill created by Lindsey Courtney was Inexpedient to Legislate 5-0. HB 1600 Smoking Cessation passed out of committee, not sure when it will go to the floor. SB 576 revising the authority of Boards, it's a clean-up bill that makes it clear what the Office of Professional Licensure and Certification is for. But it appears to remove reimbursements for all Boards. We should check with the Acting Executive Director Lindsey Courtney to ask for some clarity on this bill.

**Harrington** – No updates this month

**Laliberte** – Nothing assigned at this time.

**Peicker** – Ph 405 Nuclear – Radiology Pharmacy - starting the Rule review process.

1. Consent Agenda – On motion from Commissioner Genovese with a second from Commissioner Bouchard to approve the remaining items on the consent agenda. Vote 6-0-0 which are:
  - a. PIC change – Walmart, Hinsdale – John Aukstikalnis, RPh
  - b. PIC Change – CVS Pharmacy, Bedford – Michael Bourque, RPh
  - c. PIC Change – Walgreens, Ossipee – Kelsey A. Dobe, RPh
  - d. PIC Change – CVS Pharmacy, Concord – Nancy Delaney, RPh
- 1B. January Board Meeting Minutes – Required correction is at the end; clarification is to Seal the Minutes of Non-Public on the Public Agenda. Commissioner Pervanas would like to revise the motion by Commissioner Rochefort seconded by Commissioner Genovese and move to public vote 7-0-0. Followed by a motion from Commissioner Rochefort seconded by Commissioner Pervanas to Seal the minutes and then a motion by Commissioner Rochefort with a second by Commissioner Genovese to adjourn with a Vote of 7-0-0. These changes will be placed on the Public Agenda for all meeting minutes past and future. Traci to make these changes. These changes will be reflected on the non-public as well. Please check the spelling for 'Opioid'

throughout the document as well. On motion from Commissioner Bouchard with a second from Commissioner Laliberte to accept the meeting minutes with these amendments. Board Vote of 6-0-0.

2. National Take Back Day – On motion from Commissioner Bouchard with a second from Commissioner Rochefort to accept the waiver with a Board Vote of 6-0-0.
3. Ph 2100 – Inspections and JLCAR Objection Response – On motion from Commissioner Genovese with a second from Commissioner Rochefort to accept the JLCAR Recommendations, with a Board Vote of 6-0-0. JLCAR is meeting Friday 2/21/2020 and Attorney Broderick will try to get this on their agenda for this week.
4. 9:30 a.m. Hearing for Pierce Kocjan – Application for Pharmacist Licensure. Hearing closed at 9:52 a.m.
5. Ph 2300 – Institutional Pharmacy Practice rules – On motion from Commissioner Rochefort with a second from Commissioner Bouchard to approve this version submitted here today and to send to Legislative Services, Board Vote of 6-0-0.
6. HCA (Attorney Eills) – Change of Ownership for Frisbie Memorial Hospital. Attorney Eills will inform the Board office when the transaction takes place. FYI
7. HB 1536 – on page 1 of the House Bill Remove Line 27 & 28. This paragraph will read as: “Pharmacist In Charge” means the pharmacist who shall be responsible to the board for compliance with all local, state, and federal pharmacy and drug laws. Page 2 ‘Inspectional services’ Keep the wording ‘Shall’ so Line 4 would go back to shall, and line 6 the bolded part would be stricken and it would end at ‘prescription drugs’ then line 9 will go back to ‘shall’ and 12 would be ok, and end it at Licensing Board on line 12. Strike out line 13. The Board will support Point 1. The Board will support Point 2. In regards to **Point 3 the Board disagrees.** Point 4 that is a topic to be determined later after the discussion with council. Board Discussion.
8. NABP meeting being held in May – On motion from Commissioner Laliberte with a second from Commissioner Pervanas to elect Commissioner Genovese to be the delegate and Commissioner Rochefort to be the alternate delegate with a Board Vote of 6-0-0.
9. Request from UNH, with a NH DHHS project – Harm Reduction Education and Technical Assistance for New Hampshire. Tabled.
10. Rule Review regarding Fees – Attorney Broderick. On motion from Commissioner Rochefort with a second from Commissioner Genovese, and Board Vote of 6-0-0 to accept the rule changes; Ph 400, Ph 1000, Ph 600, Ph 2000.
11. Status of Rules that have been received by Attorney Broderick. Current list as of today’s Board meeting.
  - a. Ph 807.02 and Ph 812.02 (needs to proof read a camera ready copy. Attorney Broderick has not received a camera ready copy)
  - b. Ph 2100 – Inspections (motion to accept JLCAR Recommendations and move forward)
  - c. Ph 2200 – Investigations (motion to adopt-Commissioner Pervanas signed the letter).
  - d. Ph 2400 – Contraceptives – 12/18/19 Board Voted to request fiscal impact statement from JLCAR (Board/Staff pulled back).
  - e. Biennial Licensing (approved 2/19/2020)
  - f. Ph 104 – Public Information – Attorney Broderick asked the Board to vote again because it has been so long.
  - g. Ph 900 – Non-Resident/Mail Order Pharmacies
  - h. Ph 1002 – Wholesale Inspection (2/20 Board voted to move to JLCAR for fiscal impact).

- i. Ph 2500 –Drug Distribution Agents (2/20 Board voted to move to JLCAR for fiscal impact).
- j. Ph 300 – Pharmacist Licensure - Board already voted to move forward to JLCAR. Attorney Broderick will still file as soon as possible.
- k. Ph 700 – Standards of Practice - Board already voted to move forward to JLCAR. Attorney Broderick will still file as soon as possible.
- l. Ph 1900 – In State Pharmacies - Board already voted to move forward to JLCAR. Attorney Broderick will still file as soon as possible.

Attorney Broderick states he is behind in the rules processing, and apologized to the Board, also stating some of the above rules are a year old or almost a year old, so he asked for a Vote of Ph 104, Ph 1002 and Ph 2500 which he felt were the oldest, and what the Board would like to do. On motion from Commissioner Rochefort with a second from Commissioner Genovese to move these rules and all on this list on to JLCAR for a fiscal impact statement and to get them through the rules process as soon as possible, with a Board Vote of 6-0-0.

- 12. Committee Report on Licensed Advanced Pharmacy Technician Scope of Practice – One Question is; do we have a definition of ‘pharmacist clinical judgment’ not based on the ‘technician clinical judgement’. We defined Professional Judgement, not Clinical Judgement. F states “Perform any duty or task that a State or Federal law or regulation requires a licensed pharmacist to perform”, so at this time, they are not allowed to administer vaccines. D – they can add to this section about a Medication/Device that requires a prescription. Commissioner Pervanas is not in favor of Licensed Advanced Pharmacy Technicians doing a Med Req. She would like it defined clearly that this license type cannot do this. This meeting is on March 2, 2020 at the NH Hospital Association from 1 – 4 p.m.
- 13. Dr. Watko – FYI
- 14. Ph 2200 Pharmacy Board Investigations – On motion from Commissioner Rochefort with a second from Commissioner Bouchard to approve with a Board Vote of 6-0-0.
- 15. Refund Letters state - *Pharmacist licenses have historically expired on an annual basis at the end of December; however, effective September 17, 2019, RSA 318:25 was amended to set the expiration of pharmacist licenses to December 31 of even-numbered years. Specifically, RSA 318:25, states "[p]harmacist licenses shall expire biennially in even-numbered years at midnight on December 31." RSA 318:25 (2019).*  
*As a result of this statutory change, your pharmacist license did not expire on December 31, 2019, and you were not required to submit a renewal application. Accordingly, the Board of Pharmacy, through the Office of Professional Licensure and Certification, will be issuing you a refund for your renewal fee, using the method of your initial payment.*  
 On motion from Commissioner Bouchard with a second from Commissioner Genovese to approve the letters with a Board Vote of 6-0-0.

On motion from Commissioner Rochefort with a second from Commissioner Bouchard to move into Non-Public session at 1:30 p.m. Board Roll Call Vote of 6-0-0.

*\*At the end of the Public Session, the Board went into a Non-Public meeting under RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

The Board returned to Public Session at 3:18 p.m. A roll Call vote supported a quorum of the Board 6-0-0.

On motion from Commissioner Rochefort with a second from Commissioner Bouchard to Seal the Non-Public Meeting Minutes with a Board Roll Call Vote of 6-0-0.

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On motion from Commissioner Pervanas with a second from Commissioner Genovese to adjourn the Board of Pharmacy meeting at 3:20 p.m. with a Board Vote of 6-0-0.

Chair Signature \_\_\_\_\_ Date \_\_\_\_\_